

Union Calendar No. 314

108TH CONGRESS
2D SESSION

H. R. 4568

[Report No. 108–542]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2004

Mr. TAYLOR, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior and related agencies for the
6 fiscal year ending September 30, 2005, and for other pur-
7 poses, namely:

1 Secretary of the Interior or Secretary of Commerce, as
2 applicable, or their designees. The amount shall in no case
3 exceed the actual costs of consultation and conferencing.

4 An eligible individual who is employed in any project
5 funded under title V of the Older American Act of 1965
6 (42 U.S.C. 3056 et seq.) and administered by the Forest
7 Service shall be considered to be a Federal employee for
8 purposes of chapter 171 of title 28, United States Code.

9 Any funds appropriated to the Forest Service may
10 be used to meet the non-Federal share requirement in sec-
11 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
12 3056(c)(2)).

13 DEPARTMENT OF ENERGY

14 CLEAN COAL TECHNOLOGY

15 (DEFERRAL)

16 Of the funds made available under this heading for
17 obligation in prior years, \$237,000,000 shall not be avail-
18 able until October 1, 2005, *Provided*, That funds made
19 available in previous appropriations Acts shall be available
20 for any ongoing project regardless of the separate request
21 for proposal under which the project was selected: *Pro-*
22 *vided further*, That of the funds made available in prior
23 year appropriations under this heading, up to \$18,000,000
24 shall be available in fiscal year 2005 for FutureGen, with-
25 out regard to the terms and conditions applicable to clean

1 coal technology projects: *Provided further*, That the initial
2 planning and research stages of the FutureGen project
3 shall include a matching requirement from non-Federal
4 sources of at least 20 percent of the costs: *Provided fur-*
5 *ther*, That any demonstration component of such project
6 shall include a matching requirement from non-Federal
7 sources of at least 50 percent of the costs of the compo-
8 nent.

9 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

10 For necessary expenses in carrying out fossil energy
11 research and development activities, under the authority
12 of the Department of Energy Organization Act (Public
13 Law 95–91), including the acquisition of interest, includ-
14 ing defeasible and equitable interests in any real property
15 or any facility or for plant or facility acquisition or expan-
16 sion, and for conducting inquiries, technological investiga-
17 tions and research concerning the extraction, processing,
18 use, and disposal of mineral substances without objection-
19 able social and environmental costs (30 U.S.C. 3, 1602,
20 and 1603), \$601,875,000, to remain available until ex-
21 pended, of which \$4,000,000 is to continue a multi-year
22 project for construction, renovation, furnishing, and demo-
23 lition or removal of buildings at National Energy Tech-
24 nology Laboratory facilities in Morgantown, West Virginia
25 and Pittsburgh, Pennsylvania; and of which \$105,000,000

1 is available, after coordination with the private sector, for
2 a request for proposals for a Clean Coal Power Initiative
3 providing for competitively-awarded research, develop-
4 ment, and demonstration projects to reduce the barriers
5 to continued and expanded coal use: *Provided further*,
6 That no project may be selected for which sufficient fund-
7 ing is not available to provide for the total project: *Pro-*
8 *vided further*, That funds shall be expended in accordance
9 with the provisions governing the use of funds contained
10 under the heading “Clean Coal Technology” in 42 U.S.C.
11 5903d: *Provided further*, That the Department may in-
12 clude provisions for repayment of Government contribu-
13 tions to individual projects in an amount up to the Govern-
14 ment contribution to the project on terms and conditions
15 that are acceptable to the Department including repay-
16 ments from sale and licensing of technologies from both
17 domestic and foreign transactions: *Provided further*, That
18 such repayments shall be retained by the Department for
19 future coal-related research, development and demonstra-
20 tion projects: *Provided further*, That any technology se-
21 lected under this program shall be considered a Clean Coal
22 Technology, and any project selected under this program
23 shall be considered a Clean Coal Technology Project, for
24 the purposes of 42 U.S.C. 7651n, and Chapters 51, 52,
25 and 60 of title 40 of the Code of Federal Regulations:

1 *Provided further*, That no part of the sum herein made
2 available shall be used for the field testing of nuclear ex-
3 plosives in the recovery of oil and gas: *Provided further*,
4 That up to 4 percent of program direction funds available
5 to the National Energy Technology Laboratory may be
6 used to support Department of Energy activities not in-
7 cluded in this account.

8 NAVAL PETROLEUM AND OIL SHALE RESERVES

9 For expenses necessary to carry out naval petroleum
10 and oil shale reserve activities, \$18,000,000, to remain
11 available until expended: *Provided*, That, notwithstanding
12 any other provision of law, unobligated funds remaining
13 from prior years shall be available for all naval petroleum
14 and oil shale reserve activities.

15 ELK HILLS SCHOOL LANDS FUND

16 For necessary expenses in fulfilling installment pay-
17 ments under the Settlement Agreement entered into by
18 the United States and the State of California on October
19 11, 1996, as authorized by section 3415 of Public Law
20 104–106, \$36,000,000, to become available on October 1,
21 2005 for payment to the State of California for the State
22 Teachers’ Retirement Fund from the Elk Hills School
23 Lands Fund.

1 ENERGY CONSERVATION

2 For necessary expenses in carrying out energy con-
3 servation activities, \$656,071,000, to remain available
4 until expended, of which \$45,098,000 shall be for State
5 energy program grants.

6 STRATEGIC PETROLEUM RESERVE

7 For necessary expenses for Strategic Petroleum Re-
8 serve facility development and operations and program
9 management activities pursuant to the Energy Policy and
10 Conservation Act of 1975, as amended (42 U.S.C. 6201
11 et seq.), \$172,100,000, to remain available until expended.

12 NORTHEAST HOME HEATING OIL RESERVE

13 For necessary expenses for Northeast Home Heating
14 Oil Reserve storage, operations, and management activi-
15 ties pursuant to the Energy Policy and Conservation Act
16 of 2000, \$5,000,000, to remain available until expended.

17 ENERGY INFORMATION ADMINISTRATION

18 For necessary expenses in carrying out the activities
19 of the Energy Information Administration, \$85,000,000,
20 to remain available until expended.

21 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

22 Appropriations under this Act for the current fiscal
23 year shall be available for hire of passenger motor vehicles;
24 hire, maintenance, and operation of aircraft; purchase, re-
25 pair, and cleaning of uniforms; and reimbursement to the

1 General Services Administration for security guard serv-
2 ices.

3 From appropriations under this Act, transfers of
4 sums may be made to other agencies of the Government
5 for the performance of work for which the appropriation
6 is made.

7 None of the funds made available to the Department
8 of Energy under this Act shall be used to implement or
9 finance authorized price support or loan guarantee pro-
10 grams unless specific provision is made for such programs
11 in an appropriations Act.

12 The Secretary is authorized to accept lands, build-
13 ings, equipment, and other contributions from public and
14 private sources and to prosecute projects in cooperation
15 with other agencies, Federal, State, private or foreign:
16 *Provided*, That revenues and other moneys received by or
17 for the account of the Department of Energy or otherwise
18 generated by sale of products in connection with projects
19 of the Department appropriated under this Act may be
20 retained by the Secretary of Energy, to be available until
21 expended, and used only for plant construction, operation,
22 costs, and payments to cost-sharing entities as provided
23 in appropriate cost-sharing contracts or agreements: *Pro-*
24 *vided further*, That the remainder of revenues after the
25 making of such payments shall be covered, into the Treas-

1 ury as miscellaneous receipts: *Provided further*, That any
2 contract, agreement, or provision thereof entered into by
3 the Secretary pursuant to this authority shall not be exe-
4 cuted prior to the expiration of 30 calendar days (not in-
5 cluding any day in which either House of Congress is not
6 in session because of adjournment of more than 3 calendar
7 days to a day certain) from the receipt by the Speaker
8 of the House of Representatives and the President of the
9 Senate of a full comprehensive report on such project, in-
10 cluding the facts and circumstances relied upon in support
11 of the proposed project.

12 No funds provided in this Act may be expended by
13 the Department of Energy to prepare, issue, or process
14 procurement documents for programs or projects for
15 which appropriations have not been made.

16 In addition to other authorities set forth in this Act,
17 the Secretary may accept fees and contributions from pub-
18 lic and private sources, to be deposited in a contributed
19 funds account, and prosecute projects using such fees and
20 contributions in cooperation with other Federal, State or
21 private agencies or concerns.